

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILHELMSSEN PREMIER MARINE FUELS AS

07 Civ. 5798 (CM)

Plaintiff,

against

UBS PROVEDORES PTY LTD. AND  
RAECORP INTERNATIONAL PTY LTD.,

Defendants

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**DEFENDANTS' NOTICE OF MOTION TO VACATE RULE B ATTACHMENTS OR,  
IN THE ALTERNATIVE, CERTIFY ISSUE FOR INTERLOCUTORY APPEAL**

**PLEASE TAKE NOTICE** that upon the Attorney Certification of Jeanne-Marie Van Hemmen, dated September 17, 2007, the Declaration of William Rae, dated September 13, 2007, and the exhibits annexed thereto, the accompanying Memorandum of Law and all the pleadings and prior proceedings had herein, the Defendants UBS Provedores Pty. Ltd. ("UBS") and Raecorp International Pty. Ltd. ("Raecorp"), shall move this Court, pursuant to Fed. R. Civ. Pro., Supp. Adm. R. B & E(4)(f), before the Honorable Colleen McMahon, United States District Court Judge, in the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on September 24, 2007, at 9:00 am in the forenoon or as soon thereafter as the matter may be heard, for an Order:

- (1) vacating the Ex Parte Orders directing the Clerk to issue process of Maritime Attachment against UBS and Raecorp and the Processes of Maritime Attachment and Garnishment obtained and served by Plaintiff Wilhelmsen Premier Marine Fuels AS thereunder; or, in the alternative,

- (2) Certifying the issue of whether Defendants have property subject to attachment in the District for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

Pursuant to Judge McMahon's September 7, 2007 Order issued from the bench in a hearing conducted in this matter, Plaintiff's opposition, if any, is to be filed and served no later than Thursday, September 21, 2007.

Dated: New York, New York  
September 17, 2007

BETANCOURT, VAN HEMMEN, GRECO & KENYON  
Attorneys for Petitioner

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/s/  
By: Jeanne-Marie Downey (JD-6414)  
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